



Changing Regulations

New Rules Address Perch, Oahe Walleye, Paddlefish for Next Two Years

Story and Photos by Craig Bihrlé

Fishing regulations are all about... People.

For if it weren't for people, says Terry Steinwand, the State Game and Fish Department's fisheries chief, regulations wouldn't be necessary.

Since North Dakota has lot of people who do like to fish, however – about 140,000 license buyers not including kids or nonresidents – regulations are essential to fisheries management. So every two years Game and Fish Department fishery biologists review current regulations and make adjustments to best suit the needs of North Dakota anglers and fisheries resources.

Regulations typically fall into two categories, Steinwand explained. Many – like daily limits and method of taking – serve to protect fish populations, to ensure that a fish population in any given body of water can sustain itself from year to year. Other rules address fairness and equal access,

serving in a way to spread out acceptable harvest among more anglers.

Several new regulations for the 2002-2004 proclamation period, which began April 1 and runs through March 31, 2004, involve both factors. At the same time, biologists eliminated a few regulations that either served their purpose and are no longer needed, or didn't function as originally envisioned. All regulations, Steinwand said, are implemented with a purpose and expectation in mind, and if that purpose or expectation isn't met, the regulation isn't needed.

Following are summaries of changes anglers will see for the next two years. Some, like lower perch limits, reduced times and places for paddlefish snagging, and eliminating the one-walleye-over-18-inches rule on Lake Oahe and the Missouri River below Garrison Dam, are significant. Others changes are equally notable, but affect fewer anglers.

Perch, Crappie, Bluegill Daily Limit Reduced to 35

Two years ago, the Game and Fish Department first attached a daily limit to two of the state's three primary panfish species – yellow perch and crappie. Now, the Department is reducing that limit by 30 percent in a continuing effort to find a combination that maintains angler interest and also addresses concerns that quality perch lakes are being “fished out.”

In addition, bluegill have been added to the list because of similar concerns of overfishing. Bluegill, a warmwater fish, don't grow as well in northern climates on average, so the Department has taken a more conservative approach to further protect them on a statewide basis, and also to standardize all panfish limits.

The new perch, bluegill and crappie limit is 35 daily and 175 in possession, down from 50 daily and 250 in possession. The limit reduction is primarily directed at conserving perch fisheries, Steinwand said, though there is also concern about high crappie harvest on Jamestown Reservoir. Bluegill and crappie were included to keep limits consistent among all panfish species.

Ten years ago, North Dakota really didn't have a need for perch limits. In addition to

Devils Lake, the state had only a few quality perch fisheries where anglers could expect to catch a handful or more of fish measuring eight inches or longer, the size of fish most anglers consider “keepers.”

Many other lakes had perch in them, however, fish in these populations were often stunted and undesirable to anglers, regardless of the limit. “People didn't go after them because they weren't quality perch,” Steinwand said.

The situation has improved markedly since then. The transformation of mostly dry prairie potholes into lakes deep enough to support long-term fisheries has necessarily changed the Game and Fish Department's philosophy toward perch management. In less than a decade the number of manageable fishing lakes in North Dakota has more than tripled. These new waters provide ideal conditions for fish populations to thrive. “We've seen some very high quality perch fisheries established in the southeast quarter of the state,” Steinwand stated, “and people are really taking advantage of that.”

In some cases, perhaps a little too much advantage. Developing perch lakes that were “discovered” sometimes attracted hundreds of anglers over a weekend, not surprising considering fish of 10-12 inches

and up to a pound or more in weight were common catches. Without limits, some anglers took home a hundred or more such fish in a day – and continued to do so for several days in a row.

It is also not surprising that such concentrated fishing pressure served to turn many a new quality perch fishery into a has-been in just one winter. Biologists were justifiably concerned, but history suggested that prairie pothole lake fisheries were generally short-lived anyway. A typical pattern involved a boost of water from spring runoff or summer rain that would provide enough depth to justify stocking fish – usually northern pike and perch. If the lake maintained its depth for a few years, a fishery would develop. Prairie precipitation patterns as they are, the lake would eventually evaporate to a point where a hard winter would kill most or all of the fish. With that pattern as their guide, fisheries managers appreciated the fact that anglers were able to catch the fish in these lakes before they were wiped out by winterkill.

That same philosophy prevailed in the early stages of this prairie fishery boom. But things changed following the winter of 1996-97. Instead of receding over time, prairie lakes got another boost with record spring runoff. Then came several summers where rainfall continued to exceed evaporation. Instead of 10-12 feet deep marginal fisheries, North Dakota biologists were confronted with the exciting challenge of 20-25-foot deep lakes with the potential for serious long-term management.

“None of us have ever seen these kind of conditions for this length of time,” Steinwand noted. “We knew these lakes were going to last awhile, so we needed to start protecting them.”

The daily limit of 50 over the past two years helped some, but fisheries managers feel a further reduction is justified. The key to all fish and wildlife management, Steinwand said, is to set limits that promote harvest of surplus animals, but leave enough to sustain a balanced population. “What has occurred is that we've probably cut into baseline rather than surpluses on a lot of these lakes,” he added. “When you have one good year of fishing and the next five are terrible, you've cut a little too deep.”

The new daily limit of 35 perch for the next two years will allow biologists time for creel and fish population surveys that will provide solid information on which to make future decisions on perch limits.

“We're trying to get ahead of the curve,” Steinwand emphasized. “We want to find out what kind of harvest rates these (new) lakes can withstand and still maintain a quality fishery.”

Photo Omitted

Lake Oahe/Missouri River Walleye Size Limit

For the past several years, anglers fishing the Missouri River below Garrison Dam, as well as Lake Oahe in North Dakota could keep only one walleye measuring more than 18 inches in their daily limit of

Photo Omitted

five. That regulation was removed starting April 1, but many anglers probably won't notice much of a difference, given the size structure of the walleye population in that part of the Missouri River System.

Most walleyes in Lake Oahe and the river below Garrison Dam are 14-16 inches long and haven't grown much during their adult lives. The slow growth is directly attributed to a lack of forage in Lake Oahe, primarily rainbow smelt. Estimates are that in 1996 and 1997, due to disease and downstream loss out of Oahe Dam, the reservoir lost more than 90 percent of its smelt. The smelt population has not recovered much since then.

Game and Fish established the "one-over-18" walleye regulation in 1999, intending to reduce harvest of larger walleyes – those fish considered necessary for future successful spawning efforts. At the time, those larger fish were the only walleyes in the system capable of spawning.

An interesting phenomenon occurred in spring 2001. With few large female walleyes in the system, Lake Oahe had near-record walleye reproduction. Apparently, a wealth of 14-16 inch walleyes that reached sexual maturity late in their life cycle were more than enough to make up for a lack of big fish.

Most walleyes now living in North Dakota's portion of Oahe are part of a record year-class produced in 1995. These

fish grew normally until they were about 3 years old – to about 14 inches and one pound – but then stalled out due to the smelt population crash. Although there has been some growth in recent years, most of the walleye from the 1995 year class are now around two pounds, compared to five or so pounds, if the smelt population would have remained strong, Steinwand said.

The lack of growth probably delayed the age at which these 1995 walleyes reached sexual maturity. In North Dakota, Steinwand noted, male walleyes typically reach sexual maturity at age 3, and females at ages 4 to 5. While Lake Oahe walleye might have spawned for the first time at age 6, they had a tremendous effort, Steinwand said.

Given successful reproduction by small, albeit old, walleyes, fisheries managers feel that anglers can harvest more larger walleyes without affecting future reproduction potential.

Since the one-over-18 rule is no longer needed, Steinwand added, the Department's philosophy is to simplify regulations and remove it.

More Conservative Paddlefish Approach

Three changes that relate to paddlefish snagging are designed to further control paddlefish harvest in North Dakota's portion of the Yellowstone River and the Missouri River west of Williston.

The Game and Fish Department actually made one of the changes – reducing season length by two weeks – last spring as part of an emergency proclamation. This year, the season dates of May 1-31 become standard.

Paddlefish snagging is now allowed only from 5:30 a.m. to 10 p.m. daily. While there was not previously a great deal of nighttime snagging, Steinwand said, this new rule does reduce enforcement workload and opportunity for illegal activity, most of which occurs after dark.

The third change closes an eight-mile stretch of the Missouri River to paddlefish snagging. The closure area starts at the "pumphouse," a local landmark southwest of Williston, and continues upstream for eight miles.

This area is not used much by snaggers, Steinwand said, but it does harbor concentrations of paddlefish at times. Fisheries managers feel the closure area will greatly reduce boat traffic in that stretch of river, consequently reducing incidental paddlefish mortality from contact with boats and props.

Eliminating SFMAs

The new regulations no longer include the designation “Special Fish Management Area.” Management of two lakes previously included under that name – Velve Sportsmen’s Pond in Ward County and McDowell Dam in Burleigh County – will not change much, Steinwand said. Both remain closed to winter fishing (November 1 – March 31) and use of live baitfish. Kettle Lake in Williams County is added to the list of waters closed to winter fishing. Langdon City Pond, formerly an SFMA, will be open to fishing in winter, and anglers can now use live baitfish there as well.

New Darkhouse Spearfishing Rules

Darkhouse spearfishing for northern pike will open December 1 and close February 28 in both the 2002-03 and 2003-04 fishing seasons.

Other changes clarify that it is not legal to darkhouse spear with a pneumatic or rubber band powered spear, or to fish with hook and line through a spearing hole of greater than 12 inches in diameter.

Silver Lake in Benson County was added to the list of lakes open to darkhouse spearing.

Game and Fish also included a provision requiring marking of vacated spearing holes.

Other Minor Adjustments

- Anglers may now use live smelt as baitfish in the Garrison Dam Tailrace.
- Seasons for open-water bow and spear fishing, as well as underwater spearfishing, will now close on November 30 instead of December 31, so as not to overlap with darkhouse spearfishing.
- Lake sturgeon in the Red River are added to the list of game fish.
- A provision was added making it illegal for anyone to import from another state or country any live bait without a valid North Dakota bait vendor’s license.

As always, anglers should carefully read all regulations in the new 2002-04 fishing guide, and call the Game and Fish Department if you have any questions.

CRAIG BIHRLE is the Department’s communications supervisor.

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Missouri River System Boating Access

The following list is in numerical order starting at the South Dakota border of Lake Oahe, then north and west on Lake Oahe, the Missouri River, Lake Sakakawea, and the Missouri and Yellowstone rivers to the Montana border. At the mouths of the Heart River and Square Butte Creek and at Marina Bay (along the Missouri River in the Bismarck/Mandan area), boats must be operated at idle speed only. "Idle Speed" is defined as the slowest possible speed necessary to maintain steerage.

- 1. LANGEIERS BAY** - Four miles north of state line on Highway 1804, then 3/4 mile west, or 10 miles west, 1 mile south, 7 miles west, 11 miles south and 3/4 mile west of Strasburg.
- 2. CATTAIL BAY** (Winona) - Eight miles south of Beaver Bay on Highway 1804, then 2 miles west, 2 miles south, and 1 mile west; or 10 miles west, 1 mile south, 7 miles west, 1 mile north, 2 miles west, 2 miles south, and 1 mile west of Strasburg.
- 3. FORT YATES** - North edge of Fort Yates.
- 4. BEAVER BAY** - Thirteen miles west of Linton on Highway 13, then 2 miles south.
- 5. WALKER BOTTOMS** (Prairie Knights Marina) - Ten miles south of the Cannonball River on Highway 1806, then 3 1/2 miles east.
- 6. FORT RICE** - Twenty-five miles south of Mandan on Highway 1806, then 1/2 mile east.
- 7. HAZELTON** - Thirty miles southeast of Bismarck on Highway 1804, or 13 miles west and 2 miles north of Hazelton. Campground located just south of the boat ramp.
- 8. GRANER BOTTOMS** (Sugar Loaf) - Twenty miles south of Mandan on Highway 1806, or about 3 miles north of Huff.
- 9. MACLEAN BOTTOMS** (Gun Range) - Eight miles east of the University of Mary on Highway 1804, then 2 miles south.
- 10. KIMBALL BOTTOMS** (Desert) - One mile east and 1 mile south of the University of Mary on Highway 1804, then 2 miles south.
- 11. LITTLE HEART BOTTOMS** (Schmidt) - Eleven miles south of Mandan on Highway 1806.
- 12. GENERAL SIBLEY PARK** - South of Bismarck on Washington Street. Ramp may present problems to large boats when river is low.

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- 13. FOX ISLAND PARK** - From Washington Street, 3/4 mile west on Riverwood Drive, 1 1/2 miles south, and 1/2 mile west. Heavy pleasure boat use in summer.
- 14. GRANT MARSH BRIDGE** - On the east side of the Missouri River, 1/8 mile south of the I-94 bridge on River Road. Launching occurs off sandbar.
- 15. BURNT CREEK** - On the east side of the Missouri River, 3 miles north of the I-94 bridge on River Road, then 1 1/2 miles west.
- 16. STECKEL BOAT LANDING** (Wilton) - About 21 miles north of Bismarck on Highway 1804 or 5 1/2 miles west, 1 mile south, and 1 1/2 miles west of junction of highways 3 and 36.
- 17. SANGER** (Cross Ranch) - Just east of townsite of Sanger on west side of Missouri River.
- 18. WASHBURN** - On the east side of the Missouri River, south of the Highway 200A bridge.
- 19. UPA SITE** (Stanton) - Just west of UPA power plant on Highway 200A near Stanton.
- 20. GARRISON DAM TAILRACE** - Below the Garrison Dam west and south of the federal fish hatchery. Campgrounds located south of fish hatchery.
- 21. GOVERNMENT BAY** - Just north of the town of Riverdale.
- 22. WOLF CREEK** - One mile east of Riverdale on Highway 200, then 2 miles north, 1 mile east, 1 mile north, and 1/2 mile east.
- 23. LAKE SAKAKAWEA STATE PARK** - Just east and north of Pick City.
- 24. HAZEN BAY** - Fourteen miles north of Hazen.
- 25. BEULAH BAY** - Seventeen miles north of Beulah.

- 26. DAKOTA WATERS RESORT** - Fifteen miles north of Beulah.
- 27. BEAVER BAY** - Twelve miles north of Zap.
- 28. LITTLE MISSOURI BAY** (Mel's Marina) - Sixteen miles northeast of Dunn Center.
- 29. MCKENZIE BAY** - Twenty-two miles southeast of Mandaree.
- 30. SKUNK BAY** - Fourteen miles northeast of Mandaree.
- 31. WEST TOTTON TRAIL** - Seven miles north of Coleharbor on Highway 83, then 1/2 mile west, or 2 miles south of the junction of highways 83 and 37, then 1/2 mile west.
- 32. SPORTSMENS CENTENNIAL PARK** - One mile west of the junction of highways 37 and 83, then 2 miles south and 1 mile west.
- 33. STEINKE BAY** - Three miles west of the junction of highways 37 and 83, then 2 miles south.
- 34. FORT STEVENSON STATE PARK** - Three miles south of the town of Garrison.
- 35. DOUGLAS CREEK BAY** - Five miles south and 4 miles east of Emmet (Corps ramp). Two miles south, 1 mile east, and 1 mile south of Emmet (county ramp).
- 36. INDIAN HILLS RESORT** - Eleven miles west of White Shield on Highway 1804, then 3 miles south.
- 37. DEEP WATER CREEK BAY** - Fourteen miles south of Parshall on Highway 37, then either 1 mile south to the Corps ramp or 2 1/2 miles west and 1/2 mile south to the county ramp.
- 38. PARSHALL BAY** - Three miles west, 1 mile south, 3 miles west, 1 mile south, and 2 miles west of Parshall.
- 39. VAN HOOK** - Five miles east of New Town on Highway 23, then 2 miles south.

40. LITTLEFIELD BAY - Five miles south and 2 miles east of New Town.

41. POUCH POINT - Seven miles south, 2 miles east, 2 miles south, 1 mile east, and 3 miles south of New Town.

42. FOUR BEARS PARK - Four miles west of New Town on Highway 23.

43. NEW TOWN MARINA - Two miles west of New Town on Highway 23.

44. LITTLE KNIFE BAY - Six miles north of New Town on Highway 1804.

45. WHITE EARTH BAY - About 28 miles northwest of New Town on Highway 1804, then 2 miles south, 1 mile east, 3 miles south, and 3 miles east.

46. LITTLE BEAVER BAY - About 32 miles northwest of New Town on Highway 1804, then 3 miles south.

47. TOBACCO GARDEN CREEK BAY - Two miles east of Watford City on Highway 23, then 25 miles north and east on Highway 1806.

48. WHITETAIL BAY (Lunds Landing) - Twenty-two miles east of Williston on Highway 1804.

49. LEWIS AND CLARK STATE PARK - Sixteen miles east of Williston on Highway 1804, then 3 miles south.

50. AMERICAN LEGION PARK (Raums) - Four miles west of Williston on Highway 2, then 6 miles south on Highway 85, then 4 miles east.

51. LEWIS AND CLARK BRIDGE - Four miles west of Williston on Highway 2, then 3 miles south on Highway 85, on the south side of the Missouri River, and on the east side of Highway 85.

52. CONFLUENCE AREA - One and one-half miles south of Buford on Highway 1804.

53. SUNDHEIM PARK - Two miles west of Cartwright on Highway 200, on the west side of the Yellowstone River and on the south side of Highway 200.

